

## **REMARKS**

### **Allowable Subject Matter**

Applicants appreciate the Examiner's statement that Claims 29-38 are allowed and that Claims 20-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As the Examiner has rejected only Claims 1-17 under the double patenting rejection, Applicants are canceling Claims 18-38 to prosecute those claims in a continuation application.

Applicants will now address each of the Examiner's objections and rejections in the order in which they appear in the Office Action.

### **Claim Rejections - 35 USC §102**

In the Office Action, the Examiner rejects Claims 18 and 19 under 35 USC §102(b) as being anticipated by McAllister. While this rejection is respectfully traversed, Applicants have canceled these claims to prosecute them in a continuation application, rendering this rejection moot. In the continuation application, Applicants will explain why these claims are patentable over the cited reference. Accordingly, it is requested that this rejection be withdrawn.

### **Double Patenting**

The Examiner also rejects Claims 1-17 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of U.S. Patent No. 6,755,047. While this rejection is respectfully traversed, in order to advance the prosecution of this application, a terminal disclaimer is being filed herewith. It is respectfully submitted that

this terminal disclaimer overcomes this rejection, and it is requested that the rejection be withdrawn.

This submission is made without admitting the propriety of the rejection and is done in order to serve the statutory function of removing the double patenting rejection, and this action raises neither a presumption nor an estoppel with respect to the merits of the double patenting rejection.

As there is no other basis provided in the Office Action for the rejection of these claims, it is respectfully requested that Claims 1-17 be allowed.

#### Information Disclosure Statement

Applicants filed an information disclosure statement (IDS) on June 29, 2004, prior to the issuance of this Office Action. Accordingly, it is requested that the Examiner enter and consider this IDS prior to the issuance of any further action for this application.

#### Conclusion


It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee is due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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